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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,171	09/21/2000	Daniel M. Lewin	12293:41	9140

7590 12/12/2003
David H. Judson
Akamai Technologies, Inc.
500 Technology Square
Cambridge, MA 02139

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/666,171

Applicant(s)

LEWIN ET AL.

Examin r

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-4 are presented for examination.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show 208 in figure 2 as described in the specification (please see page 6, line 6); and 303a-n in figure 3 as described in the specification (please see page 7, line 13).

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scharber (US 6,542,964 B1).
5. As to claim 1, Scharber discloses the invention as substantially as claimed,

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including a content delivery method operative in a network (50, fig. 3; col. 6, lines 10-32), comprising:

configuring a third party cache (50, 52, fig. 3) into a content delivery network (54, fig. 3; col. 1, lines 60-67) having a set of edge caches located at given network locations (col. 7, lines 3-7; col. 2, lines 1-10);

responsive to given content requests received at the third party cache, serving requested objects from the third party cache (col. 7, lines 13-23; col. 9, lines 10-23).

6. Scharber does not specifically disclose periodically transferring a log from the third party cache to the content delivery network identifying the objects served from the third party cache. However, Scharber discloses if the third party cache does not have a copy for the requested information, it can go directly to the content delivery network to retrieve a copy (col. 7, lines 17-20 and 50-52; col. 5, lines 19-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include transferring log information because a header containing log file is transmitted with the request from the third party cache to the content delivery network, whereby keeping track of the requests.

7. Claim 2 is rejected for the same reasons set forth in claim 1 above.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scharber (US 6,542,964 B1), as applied to claims 1 and 2 above, further in view of

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Swildens et al. (US 6,484,143 B1), hereinafter referred to as Swildens.

9. As to claims 3 and 4, Scharber does not specifically disclose having the content delivery network bill a content provider for delivery of the given content from the third party cache. However, Swildens discloses having the content delivery network bill a content provider for delivery of the given content from the third party cache (col. 1, lines 13-20; col. 2, lines 17-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Scharber and Swildens because Swildens's accounting module would increase revenue of Scharber's system by having the capability to bill for services based on usage-based charging.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Li et al, patent 6,591,266 B1, Aviani, Jr. et al, patent 6,532,493 B1, Gupta et al, patent 6,487,538 B1, Wexler et al, patent 6,286,084 B1, Kalpio et al, patent 6,343,323 B1 disclose a network caching system for providing a significant improvement in the time required to download objects to the individual machine.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-

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9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone number for the organization where this application or proceeding is assigned is (703)746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
December 5, 2003



**MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**